

REPORT CONCERNING THE ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 122

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 12th Annual Report of the National Endowment for Democracy, which covers fiscal year 1995.

As the report demonstrates, the National Endowment for Democracy remains at the forefront of our efforts to expand and consolidate democratic gains around the globe. The strong bipartisan support the Endowment continues to receive reflects our Nation's steadfast commitment to the promotion of democracy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 20, 1996.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on February 14, 1996 during the adjournment of the Senate, received a message for the House of Representatives announcing that the Speaker reappoints Mr. Carl A. Anderson of Arlington, VA, as a member from private life, to the Commission on Civil Rights for a 6-year term beginning on February 12, 1996.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on February 16, 1996, during the adjournment of the Senate received a message for the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 2657) to award a congressional gold medal to Ruth and Billy Graham.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 981. A bill entitled "Truck Safety and Congressional Partnership Act" (Rept. No. 104-235).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

George W. Black, Jr., of Georgia, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1996.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1569. A bill to provide for 1 additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 1570. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide that the restriction on the assignment or alienation of pension plan benefits shall not apply to court-ordered criminal fines or victim restitution; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1569. A bill to provide for one additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

LOUISIANA FEDERAL JUDICIAL LEGISLATION

Mr. BREAUX.

Mr. President, I rise today to offer legislation that will correct a serious inequity in Louisiana's judicial districts.

My legislation adds an additional judge to the middle district of Louisiana, based in Baton Rouge. U.S. District Judges John Parker and Frank Polozola, the two Baton Rouge judges, each have almost 2,000 cases pending. The national average for Federal judges is 400 cases pending. Case filings in the middle district have totaled more than four times the national average. The Baton Rouge district also ranks first among the Nation's 97 Federal court districts in total filings, civil filings, weighted filings and in the percent change in total filings last year.

Louisiana's middle district is composed of nine parishes. The State capital and many of the State's adult and juvenile prisons and forensic facilities are located in this district. The court is regularly required to hear most of the litigation challenging the constitutionality of State laws and the actions of State agencies and officials. The district now has several reapportionment and election cases pending on the docket which generally require the immediate attention of the court. Additionally, because numerous chemical, oil, and industrial plants and hazardous waste sites are located in the middle district, the court has in the past and will continue to handle complex mass tort cases. One environmental case alone, involving over 7,000 plaintiffs and numerous defendants, is being handled by a judge from another district because both of the middle district's judges were recused.

Since 1984, the middle district has sought an additional judge because of its concern that its caseload would continue to rise despite the fact that its judges' termination rate exceeded that national average and ranked among the highest in numerical standing within the United States and the fifth circuit. Both the judicial conference and the Judicial Council of the Fifth Circuit have approved the middle district's request for an additional judgeship after each biennial survey from 1984 through 1994.

Mr. President, I know that my colleagues will agree with me that the clear solution to this obvious inequity is to assign an additional judge to Louisiana's middle district. I look forward to the Senate's resolution of this important matter.

By Mr. MCCAIN:

S. 1570. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide that the restriction on the assignment or alienation of pension plan benefits shall not apply to court-ordered criminal fines or victim restitution; to the Committee on Finance.

RESTITUTION FOR VICTIMS OF CRIME

LEGISLATION

Mr. MCCAIN. Mr. President, today I am introducing legislation that would provide crime victims a real opportunity to receive their due restitution from convicted criminals. This bill would enhance collections on criminal restitution orders for crime victims by allowing the Federal Government to garnish the pension plan benefits of convicted felons.

Currently, courts may not garnish pension benefits provided under the Employee Retirement Income Security Act [ERISA] to satisfy criminal restitution orders. As a result, criminals can avoid paying fines or making restitution to their victims when their only income consists of pension money. In fact, in most cases, criminals have pension money as their only source of income, and therefore, they never pay off their debt.

The amount of criminal debt had ballooned to nearly \$4.5 billion by the close of fiscal year 1994. The largest amount of that criminal debt is owed by defendants who have been ordered to pay restitution directly to crime victims. Over \$3 billion is outstanding on these criminal restitution orders.

We must not sit idly by and watch these criminal debt figures continue to mount year after year. Our Nation's crime victims deserve restitution. It is unfair that criminals are allowed to shield their pension funds from being garnished when those funds are necessary to provide much needed restitution to their victims.

Mr. President, the National Victim Center supports this legislation and best expressed the principle behind this bill by recognizing that crime shouldn't pay, but criminals should.

I would urge my colleagues to support this legislation. It will increase